(3) 5

समक्ष माननीय मध्यप्रदेश राज्य प्रशासनिक अधिकरण, रायपुर (मo प्र०)

ओ. ए. नं...../2000

(WP/SD 3503/00)

संजीत कुमार पांडेय वल्द श्री रामलखन पांडेय
उम्र 30 साल, पटवारी, प. ह. नं. 59
पोड़ी, तह. सुरजपुर, रा. नि. मं. रामानुजनगर
जिला-सरगुजा (छत्तीसगढ़)

------ आवेदक

विरूद्ध

No. 1401/00
Filed today 12/1/2001
by Shri [illegible]
For Registrar,
M. P. State Adm. Tribunal,
RAIPUR.

1. प्रमुख सचिव
   राजस्व विभाग,
   छत्तीसगढ़ शासन, रायपुर
2. कलेक्टर,
   सरगुजा, जिला-अंबिकापुर
3. अनुविभागीय अधिकारी,
   सूरजपुर, जिला-सरगुजा

------ अनावेदकगण

आवेदन पत्र अन्तर्गत धारा-19 प्रशासनिक अधिकरण अधिनियम

(31)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (S) No. 3503 of 2005

Petitioner — Sanjeet Kumar Pandey

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri N. K. Pandey, *Advocate for the petitioner.*

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Patwari at Patwari Halka No. 59 Pondi, Soorajpur, District – Surguja was transferred to Patwari Halka No. 43, on the same terms and conditions, vide order dated 23.12.2000 (Annexure A/5).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 15.1.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on 12.1.2001. By virtue of the interim order the petitioner is continuing at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur